C.B. (II) No. 22

LOK SABHA

THE CITIZENSHIP BILL, 1955

(Report of the Joint Committee)

PRESENTED ON THE 21ST NOVEMBER, 1955

LOK SABHA SECRETARIAT
NEW DELHI
November, 1955

JOINT COMMITTEE REPORTS PRESENTED TO LOK SABHA DURING THE 9th to 11th SESSIONS,1955.

S.No.	Name of the Joint Committee Report.
1.	Report of the Joint Committee on the Constitution (Fourth Amendment) Bill, 1954.
2.	Report of the Joint Committee on the University Grants Commission Bill,1954.
3.	Report of the Joint Committee on the Citizenship Bill, 1955.
4.	Report of the Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1955.

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THE CITIZENSHIP BILL, 1955

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah
3. Shri P. T. Thanu Pillai
4. Shri K. G. Wodeyar
5. Shri K. T. Achuthan
6. Shri Ahmed Mohiuddin
7. Shri Nibaran Chandra Laskar
8. Shri Surendra Mohan Ghose
9. Shri T. Sanganna
10. Pandit Krishna Chandra Sharma
11. Shri Raghubar Dayal Misra
12. Shri Lotan Ram
13. Shri Rajeshwar Patel
14. Shri Liladhar Joshi
15. Shri Narendra P. Nathwani
16. Shri Birakisor Ray
17. Shrimati Anasuyabai Kale
18. Shri Hari Vinayak Pataskar
19. Shri Manikya Lal Varma
20. Shri Ranjit Singh
21. Dr. Ram Subhag Singh
22. Shri Anandchand
23. Shri Hirendra Nath Mukerjee
24. Shri Mangalagiri Nanadas
25. Shri Sarangadhar Das
26. Shri Hari Vishnu Kamath
27. Shri P. N. Rajabhoj
28. Dr. Lanka Sundaram
29. Shri Raghubir Sahai
30. Shri Uma Charan Patnaik
31. Shri Balwant Nagesh Datar

32. Shri K. Madhava Menon
33. Shri Jaspat Roy Kapoor
34. Shri Akbar Ali Khan.
35. Shri S. N. Mahta
36. Shri B. P. Agarwal
37. Diwan Chaman Lall
38. Dr. R. P. Dube
39. Shri P. T. Leuva
40. Shri Trilochan Dutta
41. Shri H. N. Kunzru
42. Shri B. C. Ghose
43. Shri J. V. K. Vallabharao
44. Shri M. P. N. Sinha
45. Shri Amolakh Chand

DRAFTSMAN

Shri R. S. Sarkar—*Joint Secretary and S. A. Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallaya—*Deputy Secretary.*
Shri P. K. Patnaik—*Under Secretary.*

Report of the Joint Committee

I, hereby present the report of the Joint Committee to which the *Bill to provide for the acquisition and termination of Indian Citizenship was referred together with the Bill as amended by the Committee.

2. The Bill was introduced in the Lok Sabha on the 2nd May, 1955. The motion for reference of the Bill to a Joint Committee of the Houses (*Vide* Appendix I) was moved on the 5th August, 1955, discussed in the House on the 5th, 8th and 9th August, 1955, and adopted on the 9th August, 1955.

3. The Rajya Sabha discussed the motion on the 7th and 8th September, 1955, and concurred in the said motion on the 8th September, 1955. (*Vide* Appendix II).

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 10th September, 1955.

5. The Commitee held four sittings in all.

6. The first sitting of the Committee was held on the 23rd September, 1955, to draw up a programme of work.

7. The Committee took up clause by clause consideration of the Bill on the 11th and 12th November, 1955.

8. The Speaker granted extension of time for the presentation of the Report up to the 21st November, 1955.

9. The Committee considered and adopted the Report on the 20th November, 1955.

10. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

11. *Clause* 2: The Committee feel that the definition of the word "person" should clarify the intention that it does not include any company or association or a body corporate.

The definition of this word has been re-drafted accordingly.

12. *Clause* 5: The Committee consider that if a foreign woman marries an Indian citizen she should be registered as a citizen of India only in case she renounces the citizenship of her country. This may however be prescribed in the rules to be framed under the Act.

*Published in Part II, Section 2 of the Gazette of India, Extraordinary, dated the 2nd May, 1955.

The Committee feel that before a citizen of a country mentioned in the First Schedule to this Bill becomes eligible to be registered as a citizen of Indian he must satisfy certain conditions to be prescribed in this behalf on a reciprocal basis *i.e.*, having regard to the conditions which a citizen of India has to satisfy to become a citizen of that country.

Sub-clause (e) of this clause has been re-drafted accordingly.

13. *Clause* 6: The Committee feel that in the case of a person who has rendered distinguished service to the cause of world peace, the Central Government should have the power to waive the conditions specified in the Third Schedule. The proviso to sub-clause (1) has been amended accordingly.

14. *Clause* 8: The Committee have clarified the intention by substituting the words 'a male person' for the words 'a person' in sub-clause (2).

15. *Clause* 9: The Committee consider that Indian citizens who have acquired the citizenship of another country before the commencement of the Constitution should be permitted to retain their Indian Citizenship and should not be affected by the provisions of this clause. Sub-clause (1) has been amended accordingly.

The Committee also feel that this clause should not apply to the voluntary acquisition of citizenship of another country during any war in which India may be enagaged. Accordingly a proviso similar to the proviso to sub-clause (1) of clause 8 has been added to sub-clause (1) of this clause.

16. *Clause* 10: The Committee feel that displaced persons who have migrated from Pakistan to India and have acquired Indian citizenship by registration, as provided under article 6(b) (ii) of the Constitution or under clause 5(1) (a) of the Bill should not be subject to the disabilities in this clause. Sub-clause (1) of this clause has accordingly been re-drafted.

In sub-clause (2) (b), the Committee feel that the words 'Government established by law in India', should be substituted by the words 'Constitution of India as by law established'. This sub-clause has been amended accordingly.

In sub-clause (2) (d) the term of imprisonment has been increased from twelve months to two years as the Committee feel that the former sentence is too light.

The Committee feel that for the purposes of sub-clause (2)(e) Indian students who are abroad should be treated on the same footing as those in the service of the Government of India or of an International Organisation abroad. Suitable provision has accordingly been made in this sub-clause.

The Committee consider that it should be specifically provided in this Bill that the Committee of Inquiry should submit their report to the Central Government who while passing any order under this clause shall ordinarily accept the findings on facts contained in such report.

A new sub-clause (6) has accordingly been added to this clause.

17. *New Clause* 15: The Committee consider that a person who is aggrieved by an order of the prescribed authority or any other authority should have a right to refer the matter to the Central Government for revision of that order. A new clause 15 has accordingly been inserted giving revisional jurisdiction to the Central Government.

Subsequent clauses have been re-numbered.

18. *Clause* 16 (*Original clause* 15): The Committee are of view that powers of Central Government under clause 10 and 17 should not be delegated to any subordinate authority and suitable provisions have accordingly been inserted in this clause.

19. *Clause* 17 (*Original clause* 16): The Committee think that the words 'or recklessly' are unnecessary and should be omitted. The clause has been amended accordingly.

20. *Clause* 18 (*Original clause* 17): The Committee feel that all rules made under this Act should be laid before both Houses of Parliament for a period of not less than fourteen days and shall be subject to such modifications as Parliament may make. Sub-clause (4) has been re-drafted accordingly.

The other amendment is of a consequential nature.

21. *Third Schedule*: A new clause has been inserted to provide that before a foreigner becomes eligible for naturalisation in India, he should renounce the citizenship of his country according to the laws of that country and the fact of such renunciation should be notified to the Central Government.

22. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT
Chairman,
Joint Committee.

NEW DELHI;
The 20th November, 1955.

Note

I feel that certain decisions of the highest Courts in India combining Case-law with interpretation have succeeded in giving the status of a citizen to bodies corporate. This would include Trade Unions as well with the result that certain Fundamental Rights are attracted to these bodies by virtue of the Constitution. The measure before us reverses this process set in motion by our Courts. It is necessary, however, to examine carefully the effect of the new law on the rights and privileges of Registered Trade Unions and similar corporate bodies, so that such rights and privileges as are their due under the Constitution are not in any way abridged. The anomaly, of course is there that citizenship is an individual matter and not a corporate matter. Nevertheless, I suggest that in appropriate legislation, this aspect should be considered and if necessary, changes made to preserve the existing rights and privileges in so far as they are consistent with the provisions of the Constitution.

NEW DELHI; DIWAN CHAMAN LALL.

The 21st November, 1955.

Minutes of Dissent

I

We append this note of dissent for on certain matters of principle, we differ from the majority of our colleagues. Legislation on the vital subject of our citizenship has been considerably delayed, and that is an additional reason for making it as fair and adequate and also as much in conformity with the dignity of our Republic, as we possibly can. It is from this standpoint that we view the provisions of the Bill before us.

Our association with the British Commonwealth entails, we feel, certain obligations which are not only irksome but also somewhat repugnant and derogatory. This is instanced over and over again in the Bill. The First Schedule, which is an enumeration of British Empire countries, casts, as it were, a dark shadow on the entire measure. Every effort to supplement the list by adding countries, either on the basis of neighbourliness as in the case of Nepal or of adherence to "Panch Sheel" as in the case of Burma and China, has proved futile. Clause 11, again, is a wholly unnecessary and irritating provision. Surely, if it is only on the basis of reciprocity that we propose to confer rights of Indian citizenship on people from British Empire countries, there is no reason for us to aver that every person who is a citizen of the countries specified in the First Schedule shall *ipso facto* have the status of a Commonwealth citizen in India. Our view is that we recognise no such status. The definition of a Commonwealth citizen is perhaps deliberately avoided in the Bill, but it is found in British and other statutes to mean nothing more or less than 'British subject'. It might, of course, be argued that we receive certain advantages from Commonwealth membership and therefore we should in all wisdom extend certain citizenship facilities to Commonwealth countries. But if we are really serious on the point of reciprocity, why cannot we delete mention of even a country like South Africa in the First Schedule? We fear that the First Schedule could not be changed because Commonwealth membership compels us to recognise certain differential advantages accruing *ipso facto* to British Empire countries in their relation with us. If that was not so, we could easily have expressed in our citizenship law our desire to make a gesture of friendliness to countries, including some in the Commonwealth, with which such reciprocal relations are natural, easy and effective. As the Bill reported on by the Joint Committee now stands, we desire deletion of clause 11 and suitable amendment of clauses 2(1)(c) and 12 and also of the First Schedule.

In clause 4 we want a provision enabling Indian women marrying foreigners to transmit Indian nationality to their offspring. As a

matter of fact, we have been fairly lavish in the bestowal of citizenship rights on different categories, and we do not feel that complications feared to arise out of this provision would be insuperable, particularly when the number of such Indian women is infinitesimal. The implied discrimination against them should go.

It is only right that displaced persons have been taken out of the deprivation clause altogether, but we wish that it was found possible to confer on displaced persons citizenship rights by descent under clause 4 and not by registration under clause 5. It may be that refugees having necessarily to seek rehabilitation and apply for relief may not, in the main, find registration too irksome, but a gesture towards them would have been very welcome.

We are of the view that deprivation of citizenship should be justiciable and should not be left to executive discretion. It will be clear from the provisions of clause 10 that the judiciary has been kept out, except in a remotely advisory capacity, the final decision being entirely in the hands of the Executive and even appeals to court precluded. This may well have undesirable consequences.

In clause 10 (2) (b) an undoubted improvement has been effected by substituting the "Constitution" for "Government". But we feel the expression "Republic" in place of "The Constitution established by law" would have been more in keeping with the spirit of the times. The Constitution no doubt symbolises the nation's sovereignty, but the nation has always the inherent right to change its constitution whenever the dynamic necessities of life demand it. To us, therefore, "The Republic" appears a more potent symbol and more clearly expressive of the people's majesty.

The Second Schedule which specifies the oath of allegiance to be taken by citizens registered under clause 5(1), requires a pledge to observe "the laws of India". Laws, of course, are meant to be observed, but in a changing society like ours, where new social values emerge with a dynamism unknown hitherto, the allegiance demanded should not be to the particular laws that at a particular point of time happen to be on the statute book, but to the sovereign Republic. We feel that the words "observe the laws of India and" may very well be omitted, especially when fulfilment of a citizen's duties is insisted on, very rightly, by the words that follow.

A separate section in the Bill on the status of aliens would in our view have been a good thing, but we learn that steps in this regard are in contemplation.

NEW DELHI:
The 21st November, 1955.

HIRENDRA NATH MUKERJEE.
M. N. DAS,
J. V. K. VALLABHARAO.

II

Law of citizenship is a new thing for India. Before independence Indian nationals were treated as British subjects. For the first time the Constitution framed by the Constituent Assembly of India,, laid down as to who should be considered citizens of India. It also empowered the Parliament to enact a law on the subject for the conferment and extinguishment of the right of citizenship and allied matters. The present Bill is in pursuance of that provision in the Constitution.

It is inevitable under the circumstances that in drawing up our legislation on the subject we should be guided by relevant legislations in other countries more specially in the U. K. and other Commonwealth countries. Admittedly the Bill as introduced was more or less based on the British Nationality Act of 1948, many of its provisions have been bodily incorporated in our Bill with necessary modifications. That did not mean we were in any way precluded from adopting anything otherwise considered necessary, if it did not find place in the legislations of other countries.

One such matter is: What should be the main qualifications laid down for naturalisation. We find that most of the qualifications enunciated in the 3rd Schedule of the Bill do find a place in other relevant legislations specially in the British Nationality Act of 1948, but there was need for a further provision that for acquiring naturalisation it should be considered necessary that the applicant should be familiar with the concepts on which the fundamentals of the Indian Constitution were based.

An analogous provision was not to be found in the British Nationality Act and the reason was obvious that there is no written Constitution for U.K. But in the dominions for instance Canada, Australia and even in South Africa, there is a provision of this kind. In U.S.A., they have specifically laid down that one of the requisite qualifications for naturalisation would be "familiarity with the concepts on which the U.S.A. Constitution was based".

I am sorry that the Joint Select Committee could not see its way to adopt a similar suggestion.

In Schedule 2, we find the form of oath of allegiance which an applicant for citizenship would be obliged to take. It runs like this: 'I.....do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India.' Now this allegiance to the Constitution of India should be an intelligent one, and

it can only be when one is familiar with the concepts of the fundamentals on which it is based. As such one of the conditions of naturalisation should be the familiarity with the Constitution. Thereby we shall be making the provisions of our Constitution popular among all those foreigners who are anxious to acquire Indian citizenship.

With all the rest that this Committee has decided I entirely agree, but I do wish that a further provision be added as a new subclause (g) after line 17 in the 3rd Schedule:

"That he must know the concepts on which the Indian Constitution is based."

NEW DELHI; RAGHUBIR SAHAI.

The 20th November, 1955.

III

As I differ with the majority of other members of the Joint Committee on the question of treating a body or association of individuals whether incorporated or not, as citizens for limited purposes only, I feel constrained to write this note of dissent.

The word "person" as understood in law ordinarily includes both natural and artificial persons. However, in the definition of the word "person" as amended by the Joint Select Committee, a company or association or body of individuals whether incorporated or not is excluded. The above definition is meant to clarify that a company, or an association or body of individuals is not to be deemed a citizen. It follows that a company and I am afraid even a partnership firm will be incapable of exercising any of the rights conferred on "Citizens" under our Constitution. No doubt many of those rights cannot from their nature be exercised by a company or association of individuals and are only available to natural persons. The right to hold offices of the President, Supreme or High Court Judges or the like can be exercised only by natural persons.

However, as regards certain fundamental rights, guaranteed by our Constitution like the rights of association, to acquire or hold property or to carry on a business are not inherently of such a nature that a company or association of individuals cannot exercise them. As observed by Mr. Justice Mukerjee, in the case of Chiranjitlal V/s. The Union of India (1950) S.C.R. p. 869, at page 898.

"The fundamental rights guaranteed by the Constitution are available not merely to individual citizens but to corporate bodies as well, except where the language of the provision or the nature of the right compels the inference that they are applicable only to natural persons".

Applying this test, several High Courts in India have held or proceeded on the assumption that a corporation or a partnership firm whose members are all citizens of India is capable of possessing the fundamental rights of association, property and business, and is therefore to be deemed a citizen within the meaning of Article 19(I) (c), (f) and (g) of the Constitution.

By the Bill, if passed as it stands now, the companies and even partnership firms, whose members are all citizens of India which so far enjoyed the status of citizens though only to a limited extent, will be deprived of the fundamental rights enjoyed by them hithertofore. It could not have been the intention of our Constitution makers that the rights guaranteed by Article 19 (1) (c), (f) and (g) were not to apply to corporations or partnership firms all of whose members are citizens of India, but only to natural persons. Besides the present provision would lead to an anomalous position. While a company or an association of individuals can invoke the aid of Article 31, which protects a person against deprivation of his property, the very same company or association of individuals cannot enjoy the rights to acquire, hold and dispose of property guaranteed under article 19(1) (c), (f) and (g). In case of firms and other associations of individuals, all of whom are citizens of India, a constitutional difficulty also may arise.

It may be that in none of the Citizenship Acts of any country any specific provision is made for making available above rights to a corporation. But reasons for this may be historical or others. Even in the U.S.A. where corporations incorporated, are not specifically included in the definition of "citizen" they are protected against deprivation of property by the due process of law clause. Further an inroad was made by the Supreme Court there. In a case which arose in 1809, all the stock-holders were citizens of the State where the corporation was incorporated and the Plaintiff was a citizen of another State. The question was with regard to diversity of citizenship and the jurisdiction of the Federal Court. The Supreme Court looked behind the corporate veil to the stock-holders and held that the corporation was a "citizen".

In my opinion, therefore, if it is not our intention to deprive companies and partnership firms and other like bodies, all of whose members are citizens of India, of rights to hold, acquire and dispose of property we should not leave the matter to be dealt with at some future date in a piecemeal manner by amending other acts dealing with such associations. I think that such rights should be secured to such associations by making suitable provisions in the present Bill. I therefore suggest that the definition of the word "person" in Cl. 2(f) of the Bill should be deleted or in any event suitably amended

so as not to exclude such associations, whether incorporated or not, all of whose members are citizens of India, of course in case of incorporated bodies they ought to be incorporated and registered in India. Such corporations and partnership firms should be deemed to be citizens for the limited purposes of Article 19(1) (c), (f) and (g) only.

With this end in view a new clause to the following effect may be added as clause 4A.

"4A. An incorporated body or a joint stock company registered and incorporated in India shall be deemed to be a citizen of India for the purpose of Article 19(i) (c), (f) and (g) provided all its members are citizens of India within the meaning of Sections 3 and 4 of this Act or in case of Joint Stock Companies Limited by shares eighty per cent. of its paid up capital is held by Members who are citizens of India."

NEW DELHI; N. P. NATHWANI.

The 19th November, 1955.

IV

I am afraid the majority of my colleagues in Committee have decided to take a very supercilious view of the implications of some clauses of the amended Bill, in particular of clause 9 and to a certain extent of clause 10, and I consequently desire to record one or two very important views of mine.

One can very easily understand anxiety to ensure that our immediate neighbour country to the East and West does not have undue advantage of loopholes regarding citizenship rights available in our midst to such of the people who have chosen to cross our territorial borders. But, Pakistan which is covered by this consideration, and Ceylon which also has of last come in different way into the picture of this citizenship tangle, are not the *only* considerations which must weigh with Parliament when it takes over discussion of the Bill.

More than four million Indian nationals today live in various parts of the world, predominantly of course in the British Commonwealth and its attendant colonial system. Several thousands of persons of Indian origin also live, among others, in Dutch Guiana, the Portuguese possessions of East Africa, etc. The position of Indian nationals overseas, particularly in the British Commonwealth and its colonial system, has been the product of historical reasons, and in the case of a country like South Africa Indians were rendered stateless, a position which we in this country, even after freedom,

have resisted systematically and with conviction. In actual fact, there are more persons overseas in the countries mentioned above who are just persons of Indian origin, and who have benefited so far by the extremely fluid citizenship position, who will be *deprived automatically* of existing rights and privileges the moment the present amended Bill is passed by Parliament. This is the reason why I feel strongly that Parliament should in its wisdom find out a formula which is capable of covering the exigencies created, say in Pakistan or, from another angle, in Ceylon, and will preserve to the vast majority of Indians overseas, their existing rights and facilities.

After exhaustive enquiries which I have made I find that those in charge of the Bill feel that it is their intention they would, however, appear to hold the view that it just can't be helped—that deprivation of existing rights to Indians overseas must be gone through for the sake of this Bill in the context of the point I have discussed so far.

I am convinced that my colleagues in Parliament would sustain my view that, while we must deal with specific, special cases like Pakistan and Ceylon, a blanket provision of this character is not to be allowed to exist in the Bill when it goes on the Statute Book.

NEW DELHI; LANKA SUNDARAM,

The 21st November, 1955.

V

In view of the fact that Several Acts passed by Parliament have excluded the State of Jammu and Kashmir from their purview, and keeping in mind the provisions of Article 370 of the Constitution, we feel that Clause (2)(1) ought to include a definition of 'India'. We would, therefore, suggest a new sub-clause *Clause* (2)(1)(a): 'India' includes the State of Jammu and Kashmir, and the subsequent sub-clause be relettered as (b) to (i) accordingly.

Clause 9(1).—In view of articles 9 and 367 of the Constitution of India this sub-clause should apply to the acquisition by a citizen of India of the citizenship of another country not included in the First Schedule. However, absence from India for a period of five years or so since the commencement of the Constitution except for specified reasons should automatically lead to the loss of Indian Citizenship.

Clause 10(2)(*b*).—The words "Constitution of India as by law established" should be replaced by "the Republic of India" *or* 'India'.

Clause 10(2)(*d*).—The nature or character of the offence for which the citizen has been sentenced to imprisonment should be defined.

Clause 10(3).—A "safeguard" has been provided in clause 10(3) which lays down that "the Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India". But this will be a matter for Executive discretion. The safeguard is, therefore, unreal. (Parliament is well aware how often the phrase 'public interest' has been mis-used for executive ends and we are not so sure that the phrase 'public good' will prove more effective).

Clause 10(5).—Provides for an inquiry, on an application made by a person against whom an order depriving him of Indian Citizenship is sought to be made on any of the grounds specified in clause 10(2) other than that specified in sub-clause (e). The Committee of Inquiry should, in our view, be presided over by a Judge of the Supreme Court. Provisions similar to this exist in some Commonwealth countries. The findings of the Committee should be published and accepted by Government. But Government should have the power not to deprive a person of citizenship notwithstanding the findings of the Committee of Inquiry. If, however, the Committee is not presided over by a Judge of the Supreme Court, provision should be made for an appeal to the Supreme Court against the order of the Central Government. The plea that the Supreme Court should not be burdened with such cases has no force for few matters can be more important than depriving a person of his citizenship, and such cases will occur only 'once in a while'. The refusal to have a Supreme Court Judge as Chairman of the Committee of Inquiry or in the alternative to provide for an appeal to the Supreme Court against the order of the Central Government viewed in connection with the growing tendency to oust the jurisdiction of the Courts will not be fair and will create dissatisfaction.

Clause 14(1).—We think that refusal to accept an application of a person of Indian origin ordinarily resident in India [5(1)(a)] should be for reasons to be stated in writing and no order should be made without reference to a Committee of Inquiry constituted as suggested in connection with Clause 10.

The First Schedule should be capable of enlargement or expansion in future so as to include other countries on a reciprocal basis. Why should India discriminate between Commonwealth countries and others?

As we move towards a World Government, the concept of World Citizenship will become increasingly real and attractive.

En passant.—There is no mention about the status of the people of Bhutan and Sikkim (*vis-a-vis* Indian Citizenship) which are com-

monly believed to be Indian protectorates. Suitable provision should be made.

'In the Second Schedule the words "the Constitution of India as by law established" should be replaced by "The Republic of India" *or* "India". Further, *in this same Schedule,* the words "observe the laws of India and" may be deleted.

Lastly, in the same Schedule, the words "do solemnly affirm (or swear)" be substituted By..... do swear in the name of God, solemnly affirm

so as to bring the Oath into line with the Constitutional form thereof.

H. V. KAMATH,
SARANGADHAR DAS,
B. C. GHOSE.

NEW DELHI;
The 21st November, 1955.

VI

Clause 9(1).—In view of articles 9 and 367(3) of the Constitution of India, this sub-clause should apply only to the acquisition by a citizen of India of the Citizenship of another country not included in the first Schedule. However, absence from India for a period of five years or so since the commencement of the Constitution except for specified reasons should automatically lead to the loss of Indian Citizenship.

Clause 10(2)(*b*).—The words "Constitution of India as by law established" should be replaced by "the Republic of India" or 'India'.

Clause 10(2)(*d*).—The nature or character of the offence for which the citizen has been sentenced to imprisonment should be defined.

Clause 10(3).—A "safeguard" has been provided in clause 10(3) which lays down that "the Central Government shall not deprive a person of Indian Citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India". But this will be a matter for Executive discretion. The safeguard is, therefore, unreal. Parliament is well aware how often the phrase 'public interest' has been mis-used for executive ends and I am not so sure that the phrase 'public good' will prove more effective.

Clause 10(5).—Provides for an inquiry, on an application made by a person against whom an order depriving him of Indian Citizenship is sought to be made on any of the grounds specified in clause 10(2) other than that specified in (e). The Committee of Inquiry should, in my opinion, be presided over by a Judge of the Supreme Court. Provisions similar to this exist in some Commonwealth countries, for instance, Australia. The findings of the Committee should be published and accepted by Government. But Government should have the power not to deprive a person of Indian citizenship notwithstanding the findings of the Committee of Inquiry. If, however, the Committee is not presided over by a Judge of the Supreme Court a provision should be made for an appeal to the Supreme Court against the order of the Central Government. The plea that the Supreme Court should not be burdened with such cases has no force for few matter can be more important than depriving a person of his citizenship, and such cases will occur only once in a while. The refusal to have a Supreme Court Judge as Chairman of the Committee of inquiry or in the alternative to provide for an appeal to the Supreme Court against the order of the Central Government viewed in connection with the growing tendency to oust the jurisdiction of the Courts will not be fair and will create dissatisfaction.

Clause 14(1).—I think that refusal to accept an application of a person of Indian origin ordinarily resident in India [5(1)(a)] should be for reasons to be stated in writing and no order should be made without reference to a Committee of Inquiry constituted as suggested in connection with clause 10.

H. N. KUNZRU.

NEW DELHI;
The 21st November, 1955

Bill No. 23B of 1955

THE CITIZENSHIP BILL, 1955

[AS AMENDED BY THE JOINT COMMITTEE]

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

A

BILL

to provide for the acquisition and termination of Indian citizenship.

BE it enacted by Parliament in the Sixth year of the Republic of India as follows:—

1. This Act may be called the Citizenship Act, 1955. **Short title.**

2. (*1*) In this Act, unless the context otherwise requires,— **Interpretation.**

(*a*) "a Government in India" means the Central Government or a State Government;

(*b*) "citizen", in relation to a country specified in the First Schedule, means a person who, under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) "citizenship or nationality law", in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country;

(*d*) "Indian consulate" means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(*e*) "minor" means a person who has not attained the age of eighteen years;

(*f*) "person" does not include any company or association or body of individuals, whether incorporated or not;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "undivided India" means India as defined in the Government of India Act, 1935, as originally enacted.

(*2*) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(*3*) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(*4*) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor, and of full capacity if he is not of unsound mind.

Acquisition of Citizenship

Citizenship by birth.

3. (*1*) Except as provided in sub-section (*2*) of this section, every person born in India on or after the 26th January, 1950, shall be a citizen of India by birth.

(*2*) A person shall not be such a citizen by virtue of this section if at the time of his birth—

(*a*) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India; or

(*b*) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

Citizenship by descent

4. (*1*) A person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth:

Provided that if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(*a*) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(*b*) his father is, at the time of his birth, in service under a Government in India.

(*2*) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(*3*) For the purposes of the proviso to sub-section (*1*), any male person born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

Citizenship by registration.

5. (*1*) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:—

(*a*) persons of Indian origin who are ordinarily resident in India and have been so resident for one year immediately before making an application for registration;

(*b*) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;

(*c*) women who are, or have been, married to citizens of India;

(*d*) minor children of persons who are citizens of India; and

(*e*) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens

of India may, by law or practice of that country, become citizens of that country by registration.

Explanation.—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India.

(*2*) No person being of full age shall be registered as a citizen of India under sub-section (*1*) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(*3*) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (*1*) except by order of the Central Government.

(*4*) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(*5*) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (*b*) (*ii*) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

Citizenship by naturalisation.

6. (*1*) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(*2*) The person to whom a certificate of naturalisation is granted under sub-section (*1*) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

Citizenship by incorporation of territory.

7. If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.

TERMINATION OF CITIZENSHIP

Renunciation of citizenship.

8. (*1*) If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India:

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(*2*) Where a male person ceases to be a citizen of India under sub-section (*1*), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

(*3*) For the purposes of this section, any woman who is, or has been, married shall be deemed to be of full age.

Termination of citizenship.

9. (*1*) Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India:

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(*2*) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

Deprivation of citizenship.

10. (*1*) A citizen of India who is such * * * by naturalisation or by virtue only of clause (*c*) of article 5 of the Constitution or by registration otherwise than under clause (*b*)(*ii*) of article 6 of the Constitution or clause (*a*) of sub-section (*1*) of section 5 of this Act, shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

(a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or

(c) that citizen has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or

(e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefor in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall ordinarily be guided by such report in making an order under this section.

SUPPLEMENTAL

Commonwealth Citizenship.

11. Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India.

Power to confer right of Indian citizen on citizens of certain country.

12. (1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.

Certificate of citizenship in case of doubt.

13. The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

Disposal of application under sections 5 and 6.

14. (1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign any reasons for such grant or refusal.

(2) Subject to the provisions of section 15, the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

Revision.

15. (1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for a revision of that order:

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is

satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to the application as it deems fit, and the decision of the Central Government shall be final.

Delegation of powers.

16. The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 17 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

Offences.

17. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly * * makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Power to make rules.

18. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the registration of anything required or authorised under this Act to be registered, and the conditions and restrictions in regard to such registration;

(b) the forms to be used and the registers to be maintained under this Act;

(c) the administration and taking of oaths of allegiance under this Act and the time within which and the manner in which, such oaths shall be taken and recorded;

(d) the giving of any notice required or authorized to be given by any person under this Act;

(e) the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;

(f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;

(*g*) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;

(*h*) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;

(*i*) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;

(*j*) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and

(*k*) any other matter which is to be, or may be, prescribed under this Act.

(*3*) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

(*4*) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

Repeals.

19. (*1*) The British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed in their application to India.

(*2*) All laws relating to naturalisation which are in force in any part of India are hereby repealed.

THE FIRST SCHEDULE

[*See* sections 2(*1*)(*b*) and 5(*1*)(*e*)]

A. The following Commonwealth countries:—

1. United Kingdom.
2. Australia.
3. Canada.
4. Ceylon.
5. New Zealand.
6. Pakistan.
7. Federation of South Rhodesia and Nyasaland.
8. Union of South Africa.

B. The Republic of Ireland.

Explanation.—In this Schedule, "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and "Australia" includes the territories of Papua and the territory of Norfolk Island.

THE SECOND SCHEDULE

[*See* sections 5(*2*) and 6(*2*)]

OATH OF ALLEGIANCE

I, A. B.....do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.

THE THIRD SCHEDULE

[*See* section 6(*1*)]

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule are :—

(*a*) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;

(*b*) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government;

(*c*) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;

(*d*) that during the seven years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years;

(*e*) that he is of good character;

(*f*) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and

(*g*) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into, or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

(*i*) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned, for the purposes of clause (*c*) above, as if it had immediately preceded that date;

(*ii*) allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in clause (*d*) above.

APPENDIX I

(*Vide* para. 2 of the Report)

Motion in the Lok Sabha for reference of the Bill to Joint Committee.

"That the Bill to provide for the acquisition and termination of Indian citizenship, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

(1) Shri Kotha Raghuramaiah
(2) Shri P. T. Thanu Pillai
(3) Shri K. G. Wodeyar
(4) Shri K. T. Achuthan
(5) Shri Ahmed Mohiuddin
(6) Shri Nibaran Chandra Laskar
(7) Shri Surendra Mohan Ghose
(8) Shri T. Sanganna
(9) Pandit Krishan Chandra Sharma
(10) Shri Raghubar Dayal Misra
(11) Shri Lotan Ram
(12) Shri Rajeshwar Patel
(13) Shri Liladhar Joshi
(14) Shri Narendra P. Nathwani
(15) Shri Birakisor Ray
(16) Shrimati Anusuyabai Kale
(17) Shri Hari Vinayak Pataskar
(18) Shri Manikya Lal Varma
(19) Shri Ranjit Singh
(20) Dr. Ram Subhag Singh
(21) Shri Anandchand
(22) Shri Hirendra Nath Mukerjee
(23) Shri Mangalagiri Nanadas
(24) Shri Sarangadhar Das
(25) Shri Hari Vishnu Kamath
(26) Shri P. N. Rajabhoj

(27) Dr. Lanka Sundaram

(28) Shri Raghubir Sahai

(29) Shri Uma Charan Patnaik and

(30) Shri Balwant Nagesh Datar

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 16th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do joint the said Joint Committee and Communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(*Vide* para. 3 of the Report)

Motion in the Rajya Sabha

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do joint in the Joint Committee of the Houses on the Bill to provide for the acquisition and termination of Indian citizenship, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

(1) Shri K. Madhava Menon
(2) Shri Jaspat Roy Kapoor
(3) Shri Akbar Ali Khan
(4) Shri Sri Narayan Mahta
(5) Shri B. P. Agarwal
(6) Diwan Chaman Lall
(7) Dr. R. P. Dube
(8) Shri P. T. Leuva
(9) Shri Trilochan Dutta
(10) Dr. H. N. Kunzru
(11) Shri B. C. Ghose
(12) Shri J. V. K. Vallabharao
(13) Shri M. P. N. Sinha
(14) Shri Amolakh Chand
(15) Shri Govind Ballabh Pant."

APPENDIX III

MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE *ON THE CITIZENSHIP BILL*, 1955

I

First Sitting

The Committee met from 5-5 P.M. to 5-25 P.M., on Friday the 23rd September, 1955.

PRESENT

Shri Govind Ballabh Pant—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah
3. Shri K. G. Wodeyar
4. Shri Nibaran Chandra Laskar
5. Shri Surendra Mohan Ghose
6. Shri T. Sanganna
7. Shri Raghubar Dayal Misra
8. Shri Lotan Ram
9. Shri Rajeshwar Patel
10. Shri Birakisor Ray
11. Shrimati Anasuyabai Kale
12. Shri Hari Vinayak Pataskar
13. Shri Sarangadhar Das
14. Shri Hari Vishnu Kamath

Rajya Sabha

15. Shri K. Madhava Menon
16. Shri Jaspat Roy Kapoor
17. Shri Akbar Ali Khan
18. Shri S. N. Mahta
19. Shri B. P. Agarwal

20. Dr. R. P. Dube

21. Shri P. T. Leuva

22. Shri Trilochan Dutta

23. Shri Amolakh Chand.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S. A. Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee decided to hold their next sitting on the 8th November, 1955, at 11 A.M. and continue to hold sittings daily till the 11th November, 1955.

3. It was decided that the Ministry of Home Affairs would try to supply cyclostyled or printed copies of the various Citizenship Acts of the Commonwealth Countries for the use of the members of the Committee.

4. The Committee then adjourned to meet again at 11 A.M. on Tuesday the 8th November, 1955.

Second Sitting

The Committee met from 11 A.M. to 1 P.M. and 3 P.M. to 5-15 P.M on Friday the 11th November, 1955.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kotha Raghuramaiah
3. Shri K. G. Wodeyar
4. Shri K. T. Achuthan
5. Shri Ahmed Mohiuddin
6. Shri Nibaran Chandra Laskar
7. Shri Surendra Mohan Ghose
8. Shri T. Sanganna
9. Pandit Krishna Chandra Sharma
10. Shri Raghubar Dayal Misra
11. Shri Lotan Ram
12. Shri Rajeshwar Patel
13. Shri Liladhar Joshi
14. Shri Narendra P. Nathwani
15. Shrimati Anasuyabai Kale
16. Shri Manikya Lal Varma
17. Dr. Ram Subhag Singh
18. Shri Anandchand
19. Shri Hirendra Nath Mukerjee
20. Shri Mangalagiri Nanadas
21. Shri Sarangadhar Das
22. Shri Hari Vishnu Kamath
23. Shri P. N. Rajabhoj
24. Shri Raghubir Sahai

25. Shri Uma Charan Patnaik

26. Shri Balwant Nagesh Datar.

Rajya Sabha

27. Shri K. Madhava Menon

28. Shri Jaspat Roy Kapoor

29. Shri Akbar Ali Khan

30. Shri S. N. Mahta

31. Diwan Chaman Lall

32. Dr. R. P. Dube

33. Shri P. T. Leuva

34. Shri H. N. Kunzru

35. Shri B. C. Ghose

36. Shri J. V. K. Vallabharao

37. Shri Amolakh Chand.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S. A. Draftsman Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Fateh Singh, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. *Clause* 2.—This clause was adopted without any amendment. The Draftsman was however directed to examine—

(a) whether definition of the word "alien" should be incorporated in this clause; and

(b) whether the definition of the word "person" require any amendment to include a corporation.

4. *Clauses* 3 *and* 4.—These clauses were adopted without any amendment.

5. The Committee rose at 1 P.M. and re-assembled at 3 P.M.

6. *Clause* 5.—It was proposed that a foreign woman who is married to an Indian citizen should be registered as a citizen of India only in case she renounces the citizenship of her country. It was decided that a suitable provision may be incorporated in the rules to be framed under this Act.

(ii) It was decided that sub-clause 1(e) of this clause should be re-drafted to provide that a citizen of a country specified in the First Schedule shall not be entitled to be registered under this clause unless he satisfies certain conditions to be prescribed in this behalf. It was also decided that those conditions should be prescribed having regard to the conditions which a citizen of India will have to satisfy to become a citizen of that country under the law and practice of that country.

(iii) In sub-clause (5) for the word and figure "article 6" the word and figures "article 6(b) (ii)" were substituted.

Subject to these amendments this clause was adopted.

7. *Clause* 6.—This clause was adopted subject to the amendment that in the proviso to sub-clause (1) after the word "literature" the words "world peace" were inserted.

8. *Clause* 7.—This clause was adopted without any amendment.

9. The Committee then adjourned to meet again at 11 A.M. on Saturday, the 12th November, 1955.

III

Third Sitting

The Committee met from 11 A.M. to 1 P.M. and from 3 P.M. to 5 P.M on Saturday the 12th November, 1955.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. G. Wodeyar
3. Shri K. T. Achuthan
4. Shri Ahmed Mohiuddin
5. Shri Nibaran Chandra Kaskar
6. Shri Surendra Mohan Ghose
7. Shri T. Sanganna
8. Pandit Krishna Chandra Sharma
9. Shri Lotan Ram
10. Shri Rajeshwar Patel
11. Shri Narendra P. Nathwani
12. Shri Birakisor Ray
13. Shrimati Anasuyabai Kale
14. Dr. Ram Subhag Singh
15. Shri Hirendra Nath Mukerjee
16. Shri Mangalagiri Nanadas
17. Shri Sarangadhar Das
18. Shri Hari Vishnu Kamath
19. Shri Raghubir Sahai
20. Shri Uma Charan Patnaik
21. Shri Balwant Nagesh Datar.

Rajya Sabha

22. Shri K. Madhava Menon
23. Shri Jaspat Roy Kapoor
24. Shri Akbar Ali Khan

25. Shri S. N. Mahta
26. Diwan Chaman Lall
27. Dr. R. P. Dube
28. Shri P. T. Leuva
29. Shri H. N. Kunzru
30. Shri B. C. Ghose
31. Shri J. V. K. Vallabharao
32. Shri Amolakh Chand.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S. A. Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Fateh Singh, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*
Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed the clause by clause consideration of the Bill.

3. *Clause* 8:—In sub-clause (2) for the word 'person' the words 'male person' were substituted.

4. *Clause* 9:—The Committee decided that the following proviso may be added to sub-clause (1) of clause 9 to bring it in consonance with clause 8:

> "Provided that nothing in this sub-section shall apply to a citizen of India who during any war in which India may be engaged, voluntarily acquires the citizenship of another country until the Central Government otherwise directs".

The Committee further felt that sub-clause (1) of Clause 9 should be re-drafted so as to ensure that a person who has acquired the citizenship of another country before the commencement of the Constitution should not be affected by the provisions of this sub-clause.

5. *Clause* 10:—(i) For sub-clause (1) of this clause the Committee decided that the following sub-clause should be substituted:

> "(1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of article 5 of the Constitution or by registration otherwise than under clause (b) (ii) of article 6 of the Constitution or clause (a) of

sub-section (1) of section 5 of this Act, shall cease to be a citizen of India if he is deprived of that citizenship by an order of the Central Government under this Section."

(ii) In sub-clause (2) (b) for the words "Government established by law in India" the words "Constitution of India as by law established" were substituted.

(iii) In sub-clause (2) (d) for the words "twelve months" the words "two years" were substituted.

(iv) In sub-clause (2) (e) after the words "international organisation of which India is a member" the words "or a student of any educational institution abroad" were inserted.

(v) The Committee further decided that after sub-clause (5) a new sub-clause may be inserted to the effect that the "Committee of inquiry" shall submit its report to the Central Government and the Central Government in carrying out any decision on the question shall have due regard to the findings of the Committee.

6. *Clauses* 11 *to* 13: The Committee adopted these clauses without any amendment.

7. *Clause* 14: The Committee decided that a provision should be made in this clause to enable any person aggrieved by an order of the prescribed authority to make representation to the Central Government and the decision of the Central Government shall be final.

8. *Clause* 15: The Committee decided that the powers of the Central Government under clauses 9, 10 and 17 will not be delegated under this clause.

9. *Clause* 16: The words "or recklessly" occuring in this clause were omitted.

10. *Clause* 17: The Committee decided that the existing sub-clause (4) may be substituted by the following:

"(4) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the Session in which they are so laid."

11. *Clause* 18: This clause was adopted without any amendment.

12. *First & Second Schedules*: These schedules were adopted without any amendment.

13. *Third Schedule*: In the Third Schedule after Clause (a) the following was inserted:

"(aa) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government."

14. The Committee then adjourned to meet again at 3 P.M. on Sunday, the 20th November, 1955.

Fourth Sitting

The Committee met from 3 P.M. to 4-15 P.M., on Sunday the 20th November 1955.

PRESENT.

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri P. T. Thanu Pillai
3. Shri K. T. Achuthan
4. Shri Nibaran Chandra Laskar
5. Shri Surendra Mohan Ghose
6. Pandit Krishna Chandra Sharma
7. Shri Raghbar Dayal Misra
8. Shri Birakisor Ray
9. Shrimati Anasuyabai Kale
10. Shri Hari Vinayak Pataskar
11. Dr. Ram Subhag Singh
12. Shri Hirendra Nath Mukerjee
13. Shri Mangalagiri Nanadas
14. Shri Sarangadhar Das
15. Shri Hari Vishnu Kamath
16. Dr. Lanka Sundaram
17. Shri Raghubir Sahai
18. Shri Balwant Nagesh Datar

Rajya Sabha

19. Shri K. Madhava Menon
20. Diwan Chaman Lall
21. Dr. R. P. Dube.
22. Shri Trilochan Dutta
23. Shri H. N. Kunzru

24. Shri J. V. K. Vallabhrao

25. Shri Amolakh Chand

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S. A. Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS.

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee adopted the Bill as amended.

3. The Committee considered the draft report and adopted the same with certain verbal changes.

4. The Committee authorised the Chairman to present the Report on their behalf.

5. The Committee authorised Shri Amolakh Chand to lay the Report of the Committee on the Table of the Rajya Sabha.

6. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 12 noon on the 21st November, 1955.

7. The Chairman announced that the Report would be presented to the House at 3 P.M. on the 21st November, 1955.

8. The Committee then adjourned at 4-15 P.M.